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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,972	10/16/2004	Anthony S. Au	001-500	5971
29569	7590	09/21/2006	EXAMINER	
JEFFREY FURR 253 N. MAIN STREET JOHNSTOWN, OH 43031			PATEL, MANGLES M	
			ART UNIT	PAPER NUMBER
			2178	

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/711,972

Applicant(s)

AU, ANTHONY S.

Examiner

Manglesh M. Patel

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment (6/29/06).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2178

DETAILED ACTION

1. This **FINAL** action is responsive to the amendment filed on June 29, 2006.
2. Claims 1-26 were canceled. Claims 27-52 are new claims. Claim 27 is an independent claim.

Withdrawn Objections

3. The Objection to the specification has been withdrawn in light of the amendment.
4. The objection to the drawings has been withdrawn in light of the amendment.

Withdrawn Rejections

5. The 35 U.S.C. 102(e) rejections of claims 1-26 with cited references of Dewar U.S. Pub 2003/0200136 has been withdrawn in light of the amendment.

Claim Objections

6. Claim 39 is objected to because of the following informalities: The claim depends on itself and is an improper dependent claim. The claim has been treated as dependent on 38. Appropriate correction is required.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 27, 29, 32-34, 30-31 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (U.S. 6,873,964, filed on Dec 11, 1998) in view of Micaelian (U.S. 6,714,929 filed on Apr 13, 2001).

Regarding Independent Claim 27, Williams discloses a data processing system for recruiting employees comprising: Having a company input data based on the needs for a position (column 1, lines 30-55, wherein entering information related to a plurality of hiring needs includes company input data based on the needs of a position); Having a candidate input data independent of and not based the company's data (column 3, lines 1-55, wherein resumes of potential candidates are collected, therefore including candidate input data

not based on the company's data); Checking to see if the candidate meets a minimum criteria (column 3, lines 1-55, wherein the resumix system performs a search against open requisitions and resumes to identify applicants that meet job requisition requirements); Matching the candidate's input data with the company's data where possible (column 3, lines 1-55, wherein the applicant is contacted based upon the matching performed by the resumix system, which includes matching the candidate's data from the resume with the companies data based on the requisition requirements); Discloses prioritizing the company's data based on the needs of the position (wherein comparing of the job requisition requirements include the company's data based on the needs of the position that are prioritized on the job requisitions as either opened and unfilled or closed and filled); Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses weighting the matches based on the prioritize of the company's data (abstract & column 2, lines 30-67, wherein the search system includes a weighted preference data. Where the resumix system of Williams uses the search system of Micaelian too assign weights to the company data); Calculating a score based on the weights and comparison of the company's data and candidate's data (abstract & column 2, lines 30-67, wherein ranking of the results includes calculating a score based on the weighted data and the data from the source representative of the resume items of William). At the time of the invention it would have been obvious to one of ordinary skill in the art to generate scores by assigning weights to the company data. The motivation for doing so would have been to determine a match between the resume and the companies most valued needs thereby improving the selection of qualified applicants using the generated scores.

Regarding Dependent claim 29, with dependency of claim 27, Williams discloses where said candidate's data consist of a set of achievements, experience/responsibilities, personal attributes and winning attributes (column 3, lines 1-55, wherein the collected data which includes the resume from the applicant typically include information such as experience, achievements and winning attributes).

Regarding Dependent claim 30, with dependency of claim 27, Williams fails to explicitly mention the use of artificial intelligent logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses artificial intelligent to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques). At the time of the invention it would have been obvious to one of ordinary skill in the art to generate scores by assigning weights to the company data. The motivation for

doing so would have been to determine a match between the resume and the companies most valued needs thereby improving the selection of qualified applicants using the generated scores.

Regarding Dependent claim 31, with dependency of claim 27, Williams fails to explicitly mention the use of artificial intelligent logic including fuzzy logic for operating the resumix system. Micaelian explicitly discloses where said model identification step uses fuzzy logic to review said data (column 5, lines 45-57, wherein the system uses artificial intelligence techniques that include fuzzy logic). At the time of the invention it would have been obvious to one of ordinary skill in the art to generate scores by assigning weights to the company data. The motivation for doing so would have been to determine a match between the resume and the companies most valued needs thereby improving the selection of qualified applicants using the generated scores.

Regarding Dependent claim 32, with dependency of claim 29, William discloses where no more than 3 goals are entered (column 3, lines 1-55).

Regarding Dependent claim 33, with dependency of claim 29, William discloses where no more than 5 responsibilities and professional inputs are entered (column 3, lines 1-55).

Regarding Dependent claim 34, with dependency of claim 29, Williams discloses where no more than 8 personal attributes are entered (column 3, lines 1-55).

Regarding Dependent claim 35, with dependency of claim 30, Williams discloses where no more than 5 achievements are entered (column 3, lines 1-55).

Regarding Dependent claim 36, with dependency of claim 30, Williams discloses where no more than 8 experience/responsibilities are entered (column 3, lines 1-55).

Regarding Dependent claim 37, with dependency of claim 30, Williams discloses where no more than 8 personal attributes are entered (column 3, lines 1-55).

Art Unit: 2178

9. Claims 28 and 38-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (U.S. 6,873,964, filed on Dec 11, 1998) in view of Micaelian (U.S. 6,714,929 filed on Apr 13, 2001) further in view of Crow (U.S. Pub 2005/0080657, filed Oct 10, 2003).

Regarding Dependent claim 28, with dependency of claim 27, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria includes goals and attributes of a company. Crow teaches where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes (paragraphs 67 & 69, wherein the ontology includes company data such as job, roles, skills etc.). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 38, with dependency of claim 27, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where said company data consists of a set of goals, responsibilities, personal attributes and winning attributes, and where said candidate's data consists of a set of achievements, experience/responsibilities, personal attributes and winning attributes (paragraphs 67 & 69, wherein the ontology includes company data such as job, roles, skills etc.). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 39, with dependency of claim 38, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the

weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where no more than 3 goals are entered (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 40, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where no more than 5 responsibilities are entered (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 41, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where no more than 8 personal qualifications are entered (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 42, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the

weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where no more than 3 achievements are entered (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 43, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where no more than 8 experience/responsibilities are entered (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 44, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where no more than 8 personal attributes are entered (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 45, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the

weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where the personal attributes required by a company are compared with the personal attributes profiled by a candidate (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 46, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where the responsibilities required by a company are compared with experience/responsibilities of a candidate (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 47, with dependency of claim 39, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where the goals are compared with the achievements (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 48, with dependency of claim 27, Williams teaches which is accessed over a network (fig 12).

Regarding Dependent claims 49, 50 and 51, Williams teaches the matching performed between the company and applicant data (column 3, lines 1-55). Williams fails to teach the weighting and scoring of the matches between the resume and the requisition requirements. Micaelian discloses the weighting and scoring of the search criteria against the data source (abstract). Micaelian fails to teach that the weighted search criteria include goals and attributes of a company. Crow teaches where no more than 8 winning attributes are entered (paragraphs 67 & 69). At the time of the invention it would have been obvious to include a set of goals and attributes associated with company data. The motivation for doing so would have been to allow the software to use the ontology to locate phrases in job candidate information such as a resume for determining the most qualified applicant for the job.

Regarding Dependent claim 52, with dependency of claim 48, Williams discloses where the winning attributes required by a company are compared with the winning attributes described by a candidate (column 3, lines 1-55).

It is noted that any citation **[[s]]** to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. **[[See, MPEP 2123]]**

Response to Arguments

10. Applicant's arguments filed June 29, 2006 have been fully considered but are moot in view of the new grounds of rejection.

Conclusion

Other Prior Art Cited

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2178

- McGovern et al. (U.S. 5,978,768) discloses "Computerized Job Search System And Method For Posting And Searching Job Openings Via A Computer Network"
- Scarborough et al. (U.S. 7,080,057) discloses "Electronic Employee Selection Systems And Methods"
- Dane et al. (U.S. Pub 2005/ 0055226) discloses "Method And Apparatus For Recruitment Process Management"
- Brickman, JR (U.S. Pub 2005/0060318) discloses "Employee Recruiting System And Method"
- Saxena (U.S. Pub 2004/0230478) discloses "Method And System For Streamlining Recruitment Process Through Independent Certification Of Resumes"
- Joao (U.S. Pub 2004/0107192) discloses "Apparatus And Method For Providing Job Searching Services Recruitment Services And/Or Recruitment-Related Services"
- Firestone (U.S. 7,043,443) discloses "Method And System For Matching Potential Employees And Potential Employers Over a Network"
- Vianello (U.S. Pub 2003/0182171) discloses "Apparatus And Method For Providing Career And Employment Services"

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

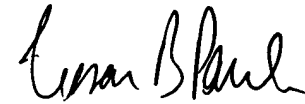
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Manglesh M. Patel whose telephone number is (571) 272-5937. The examiner can normally be reached on M,F 8:30-6:00 T,TH 8:30-3:00 Wed 8:30-7:00.

Art Unit: 2178

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached on (571)272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Manglesh M. Patel
Patent Examiner
September 8, 2006



CESAR PAULA
PRIMARY EXAMINER